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Attorneys for Defendant WELLS FARGO
BANK, N.A., SUCCESSOR BY MERGER
TO WACHOVIA MORTGAGE, FSB
[erroneously sued as "Wells Fargo Bank, N.A.
Successor By Merger with Wachovia
Mortgage, FSB; Formerly Known As World
Savings Bank, FSB Its Successors and/or
Assigns"]

**UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
EASTERN DIVISION**

CHAMPAN R. WASHINGTON,

Plaintiff,

v.

WELLS FARGO BANK, N.A.,
successor by merger with Wachovia
Mortgage, FSB; formerly known as
World Savings Bank, FSB Its
Successors and/or Assigns; and
DOES 1 – 10, inclusive,
Defendants.

Case No. 5:17-cv-00054-JFW (DTBx)

Assigned to
District Judge: Hon. John F. Walter
Courtroom: 7A

Assigned Discovery
Magistrate Judge: Hon. David T.
Bristow

REQUEST FOR JUDICIAL NOTICE

Federal Rules of Civil Procedure, Rule
12(b)(6)]

Filed and served concurrently with:
1. Motion to Dismiss First Amended
Complaint
2. Motion to Strike Portions of First
Amended Complaint

Date: August 14, 2017
Time: 1:30 p.m.
Ctrm.: 7A

Date Filed: January 12, 2017

Defendant WELLS FARGO BANK, N.A., SUCCESSOR BY MERGER TO WACHOVIA MORTGAGE, FSB [“WELLS FARGO”], hereby requests this Court take judicial notice, pursuant to Federal Rules of Evidence, Rule 201, of the following documents. WELLS FARGO submits a court may take judicial notice of material that is submitted as part of the complaint, or is necessarily relied upon by the complaint, as well as matters of public record. [*Lee v. City of L.A.*, 250 F.3d 668, 688–89 (9th Cir. 2001); *see also Fernandez v. Wells Fargo Bank, N.A.*, 2012 WL 5350256, at *2 (N.D. Cal. Oct. 29, 2012) (taking judicial notice of similar documents).

Exhibit**Document**

- “**A**” Grant Deed recorded December 5, 2006 in Official Records, San Bernardino County as Document Number 2006-0838113. A true and correct copy is attached as Exhibit “**A**”.
- “**B**” Deed of Trust recorded December 5, 2006 in Official Records, San Bernardino County as Document Number 2006-0838114. A true and correct copy is attached as Exhibit “**B**”.
- “**C**” Notice of Default recorded November 9, 2007 in Official Records, San Bernardino County as Document Number 2007-0625559. A true and correct copy is attached as Exhibit “**C**”.
- “**D**” Notice of Trustee’s Sale recorded March 3, 2008 in Official Records, San Bernardino County as Document Number 2008-0092446. A true and correct copy is attached as Exhibit “**D**”.

1 **“E”** Notice of Rescission of Notice of Default recorded October 20,
2 2008 in Official Records, San Bernardino County as Document
3 Number 2008-0464633. A true and correct copy is attached as
4 Exhibit **“E”**.

5
6 **“F”** Notice of Default recorded June 24, 2009 in Official Records, San
7 Bernardino County as Document Number 2009-0277075. A true
8 and correct copy is attached as Exhibit **“F”**.

9
10 **“G”** Substitution of Trustee’s Sale recorded September 23, 2009 in
11 Official Records, San Bernardino County as Document Number
12 2004-0416511. A true and correct copy is attached as Exhibit
13 **“G”**.

14
15 **“H”** Notice of Trustee’s Sale recorded September 23, 2009 in Official
16 Records, San Bernardino County as Document Number 2009-
17 0416512. A true and correct copy is attached as Exhibit **“H”**.

18
19 **“I”** Notice of Trustee’s Sale recorded October 14, 2010 in Official
20 Records, San Bernardino County as Document Number 2010-
21 0426369. A true and correct copy is attached as Exhibit **“I”**.

22
23 **“J”** Notice of Rescission of Notice of Default recorded September 8,
24 2011 in Official Records, San Bernardino County as Document
25 Number 2011-0375386. A true and correct copy is attached as
26 Exhibit **“J”**.

1 **“K”** Substitution of Trustee recorded October 30, 2012 in Official
2 Records, San Bernardino County as Document Number 2012-
3 0450102. A true and correct copy is attached as Exhibit **“K”**.

4
5 **“L”** Notice of Default recorded October 30, 2012 in Official Records,
6 San Bernardino County as Document Number 2012-0450103. A
7 true and correct copy is attached as Exhibit **“L”**.

8
9 **“M”** Notice of Trustee’s Sale recorded February 12, 2013 in Official
10 Records, San Bernardino County as Document Number 2013-
11 0062679. A true and correct copy is attached as Exhibit **“M.”**

12
13 **“N”** Substitution of Trustee recorded July 18, 2013 in Official Records,
14 San Bernardino County as Document Number 2013-0316145. A
15 true and correct copy is attached as Exhibit **“N.”**

16
17 **“O”** Substitution of Trustee recorded August 12, 2015 in Official
18 Records, San Bernardino County as Document Number 2015-
19 0344967. A true and correct copy is attached as Exhibit **“O.”**

20 **“P”** Notice of Default recorded December 28, 2015 in Official
21 Records, San Bernardino County as Document Number 2015-
22 0563720. A true and correct copy is attached as Exhibit **“P.”**

23
24 **“Q”** Notice of Trustee’s Sale recorded April 8, 2016 in Official
25 Records, San Bernardino County as Document Number 2016-
26 0132445. A true and correct copy is attached as Exhibit **“Q.”**

1 **“R”** Complaint filed on January 12, 2017 in *Washington v. Wells*
 2 *Fargo Bank, N.A.*, Case No. 5:17-cv-00054-JFW (DTBx), United
 3 States District Court, Central District of California. A true and
 4 correct copy is attached as Exhibit **“R.”**

5
 6 **“S”** Docket in Case No. 5:17-cv-00054-JFW (DTBx), United States
 7 District Court, Central District of California. A true and correct
 8 copy is attached as Exhibit **“S.”**

9
 10 **“T”** Docket in *In re Washington* in the United States Bankruptcy Court
 11 for the Central District of California, Case No. 6:16-bk-13959-SC.
 12 A true and correct copy is attached as Exhibit **“T”**.

13 **“U”** Bankruptcy Schedules A/B in *In re Washington* in the United
 14 States Bankruptcy Court for the Central District of California,
 15 Case No. 6:16-bk-13959-SC. A true and correct copy is attached
 16 as Exhibit **“U”**.

17
 18 **“V”** Docket in *In re Washington* in the United States Bankruptcy Court
 19 for the Central District of California, Case No. 6:16-bk-17695. A
 20 true and correct copy is attached as Exhibit **“V”**.

21 **“W”** Bankruptcy Schedules A/B filed September 9, 2016 in *In re*
 22 *Washington* in the United States Bankruptcy Court for the Central
 23 District of California, Case No. 6:16-bk-17695. A true and correct
 24 copy is attached as Exhibit **“W”**.

25
 26 **“X”** Docket in Adversary Proceeding Case No. 16-ap-01263. A true
 27 and correct copy is attached as Exhibit **“X”**.
 28

1 **“Y”** Complaint filed October 2015, 2016 in Adversary Proceeding
2 Case No. 16-ap-01263. A true and correct copy is attached as
3 Exhibit **“Y”**.

4
5 **“Z”** First Amended Complaint filed December 12, 2016 in Adversary
6 Proceeding Case No. 16-ap-01263. A true and correct copy is
7 attached as Exhibit **“Z”**.

8
9 **“AA”** Order Dismissing Adversary Proceeding for Debtor’s Lack of
10 Standing filed December 29, 2016 regarding *Washington v. Wells*
11 *Fargo Bank, N.A.* in the United States Bankruptcy Court for the
12 Central District of California, Case No. 6:16-bk-01263-SC. A true
13 and correct copy is attached as Exhibit **“AA.”**

14
15
16 Dated: July 10, 2017

KUTAK ROCK LLP

17
18 By: /s/ Steven M. Dailey

19 Jeffrey S. Gerardo
20 Steven M. Dailey
21 Attorneys for Defendant
22 WELLS FARGO BANK, N.A.,
23 SUCCESSOR BY MERGER TO
24 WACHOVIA MORTGAGE, FSB